

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

FELICITO A. JIMENEZ,)	
)	
Plaintiff,)	
v.)	Case No. CIV-17-1331-M
)	
STATE OF CALIFORNIA, et al.,)	
)	
Defendants.)	

ORDER


On January 24, 2018, United Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this action in which Plaintiff filed pursuant to 42 U.S.C. § 1983 seeking damages from the State of California and others. Plaintiff filed two deficient applications seeking leave to proceed *in forma pauperis*. Each time the Magistrate Judge issued Orders to Cure Deficiency. Plaintiff failed to do so.

The Magistrate Judge recommended this action be dismissed without prejudice for failure to comply with the Court's orders. Plaintiff was advised of his right to object to the Report and Recommendation. On February 13, 2018, the Court's Order, which was mailed to Plaintiff's last known address, was returned to the Court stamped "Return to Sender, Refused, Unable to Forward." A review of the file indicates no objection on record.

Accordingly, upon *de novo* review, the Court:

- (1) ADOPTS the Report and Recommendation [Docket no. 8] issued by the Magistrate Judge on January 24, 2018; and
- (2) DISMISSES this action without prejudice to refiling.

IT IS SO ORDERED this 16th day of February, 2018.


VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE